

REMARKS

Claims 1 and 4-10 were stated to be pending when an Office Action was mailed on August 18, 2003. Claims 1 and 4-8 were rejected under 35 U.S.C. § 103. Claims 9 and 10 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable. The Examiner is thanked for indication of allowable subject matter.

In light of arguments set forth herein, Applicants very respectfully submit that all claims now pending in this patent application – including new Claims 11-12 -- are in condition for allowance. Applicants very respectfully request reconsideration and allowance of all claims now pending in this patent application.

I. REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,936,552 to Wichgers et al. in view of U.S. Patent No. 5,781,146 to Frederick; Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wichgers et al. in view of Frederick and U.S. Patent No. 4,224,669 to Brame; Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wichgers et al. in view of Frederick and U.S. Patent No. 4,796,190 to Cummings. Each of these rejections will be discussed in turn.

A. CLAIMS 1 AND 5-7

Claims 1 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,936,552 to Wichgers et al. in view of U.S. Patent No. 5,781,146 to Frederick. The Office Action stated that Wichgers et al. discloses a flight display for aircraft for displaying pictorial representation of aircraft 36 in plan view and/or aircraft 48 in profile view, including terrain elevations, except for specifically having width and lengths of specific size and an altitude reference scale. The Office Action also stated that choosing to have displays represent specific range values would have been obvious in order to only obtain terrain data relative to a flight path of interest. The Office Action further stated that Frederick teaches desirability of displaying an altitude scale adjacent a view of aircraft location with respect to terrain elevation.

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The Office Action set forth the position that it would have been obvious to display altitude scale adjacent a display showing aircraft position with respect to terrain height in order to allow a pilot to know more specifically how high terrain was in case it was necessary to navigate around it. Applicants respectfully traverse.

Applicants very respectfully submit that Wichgers et al. is not prior art. Applicants' patent application claims domestic priority from U.S. provisional patent application Serial No. 60/146,489, filed July 30, 1999. Wichgers et al. issued August 10, 1999 – after Applicants' provisional patent application Serial No. 60/146,489 was filed. Because Applicants' provisional patent application Serial No. 60/146,489 (from which this patent application claims priority) was filed before Wichgers et al. issued, Applicants very respectfully submit that Wichgers et al. is not prior art. Because Wichgers et al. is not prior art, Applicants very respectfully submit that the rejection of Claims 1 and 5-7 under 35 U.S.C. § 103(a) has been rendered moot. Applicants also respectfully note that the Office Action stated that Wichgers et al. does not disclose having widths and lengths of specific size and an altitude reference scale. To that end, Applicants very respectfully submit that Wichgers et al. also does not qualify as prior art under 35 U.S.C. § 102(e)(2). Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1 and 5-7.

B. CLAIM 8

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wichgers et al. in view of Frederick and U.S. Patent No. 4,224,669 to Brame. The Office Action stated that Brame teaches desirability of providing an essentially rectangular swath between boundaries t1 and t2. The Office Action set forth the position that it would have been obvious to use a particular rectangular swath in a system as disclosed by Wichgers et al. and Frederick, because a user would have had greater interest in terrain ahead instead of to the side of a flight path and because this would have provided further coverage in the direction of movement. Applicants respectfully traverse.

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As discussed above, Applicants very respectfully submit that Wichgers et al. is not prior art because Applicants' patent application claims domestic priority from U.S. provisional patent application Serial No. 60/146,489 that was filed July 30, 1999, before Wichgers et al. issued August 10, 1999. Applicants very respectfully submit that because Wichgers et al. is not prior art, the rejection of Claim 8 under 35 U.S.C. § 103(a) has been rendered moot. Because the Office Action relied upon Brame to provide a rectangular swath in a system as disclosed by Wichgers et al. and Frederick, Applicants also very respectfully submit that Wichgers et al. also does not qualify as prior art under 35 U.S.C. § 102(e)(2). Accordingly, Applicants respectfully request reconsideration and allowance of Claim 8.

C. CLAIM 4

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wichgers et al. in view of Frederick and U.S. Patent No. 4,796,190 to Cummings. The Office Action stated that Cummings teaches desirability of providing an aircraft icon to the left of the display. The Office Action set forth the position that it would have been obvious to display an aircraft icon to the left of a display in a system as disclosed by Wichgers et al. and Frederick in order that a pilot could have observed more features in front of the flight path, as opposed to features beside or behind a path which would have been of less interest. Applicants respectfully traverse.

As discussed above, Applicants very respectfully submit that Wichgers et al. is not prior art because Applicants' patent application claims domestic priority from U.S. provisional patent application Serial No. 60/146,489 that was filed July 30, 1999, before Wichgers et al. issued August 10, 1999. Applicants very respectfully submit that because Wichgers et al. is not prior art, the rejection of Claim 4 under 35 U.S.C. § 103(a) has been rendered moot. Because the Office Action relied upon Cummings to provide an aircraft icon to the left of a display in a system as disclosed by Wichgers et al. and Frederick, Applicants also very respectfully submit that Wichgers et al. also does not qualify as prior art under 35 U.S.C. § 102(e)(2). Accordingly, Applicants respectfully request reconsideration and allowance of Claim 4.

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II. OBJECTION TO CLAIMS 9-10

The Office Action objected to Claims 9-10 as being dependent upon a rejected base claim, but indicated that Claims 9-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for indication of allowable subject matter.

Claims 9-10 depend from Claim 1. As discussed above, the rejection of Claim 1 has been rendered moot. Accordingly, Applicants respectfully submit that the objection to Claims 9-10 has also been rendered moot. Applicants very respectfully request reconsideration and allowance of Claims 9-10.

III. NEW CLAIMS 11-12

In addition to new Claims 5-10, new Claims 11-12 were included in Applicants' response filed May 22, 2003. However, only claims 1 and 4-10 were indicated by the Office Action as pending in the patent application. Accordingly, Applicants have indicated in the Claims section of this Response that Claims 11 and 12 are "Previously and Currently Added." Applicants very respectfully repeat their request of May 22, 2003, that new Claims 11 and 12 be added. Because new Claims 11-12 depend from allowable Claim 1 and for other reasons, Applicants respectfully submit that new Claims 11-12 are in condition for allowance. Applicants very respectfully request entry, consideration, and allowance of new Claims 11-12.

CONCLUSION

Applicants respectfully submit that the cited primary reference under 35 U.S.C. § 103(a) -
- Wichgers et al. -- is not prior art, and that the rejections under 35 U.S.C. § 103(a) have been rendered moot. Applicants have respectfully repeated requested entry of new Claims 11-12. Applicants very respectfully submit that all claims pending in this patent application, including new Claims 11-12, are in condition for allowance. Applicants very respectfully request entry and consideration of new Claims 11-12, and reconsideration and allowance of all claims (1 and 4-12) now pending in this patent application.

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Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1/12/2004

Date of Deposit



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